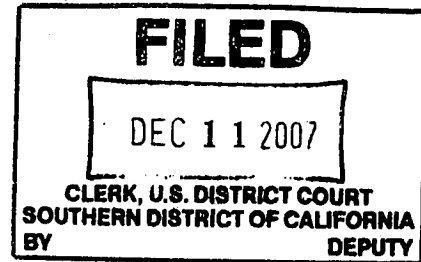


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8976

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mario Raymond FERNANDEZ (1)

Ernesto FLORES-Blanco (2)

Defendants

) Mag. Case No.
) COMPLAINT FOR VIOLATION OF:
) Title 8, U.S.C., Section 1324 (a)(1)(A)(iii)
) Harboring Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about December 10, 2007, within the Southern District of California, defendant Mario Raymond FERNANDEZ and Ernesto FLORES-Blanco, knowing and in reckless disregard of the fact that an alien, namely, Alejandro PORTILLO-Mendoza, had come to, entered or remained in the United States in violation of law, did conceal, harbor or shield or attempt to conceal, harbor or shield from detection such alien in any place, including any building in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 11th DAY OF
DECEMBER 2007.

Peter C. Lewis

United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Mario Raymond FERNANDEZ (1)

4 Ernesto FLORES-Blanco (2)

5 STATEMENT OF FACTS

6 The complainant states that this complaint is based upon statements in the investigative
7 reports by the apprehending officer, Border Patrol Agent S. Carter. On December 10, 2007,
8 Mario Raymond FERNANDEZ and Ernesto FLORES-Blanco, Citizens of the United States,
9 were apprehended in Calexico, California, as they attempted to harbor, conceal, and shielded
10 from detection one (1) illegal alien in violation of law.

11 On December 10, 2007, at approximately 8:00 p.m. Agents S. Sedano and Carter
12 observed a male, later identified as Mario Raymond FERNANDEZ, in the area of Encinas
13 Avenue and Renaud Court in Calexico, CA. This area is notoriously know for its illegal
14 smuggling activities. Agents soon observed another male in the area, later identified as Ernesto
15 FLORES-Blanco. Agents Sedano and Carter immediately recognized these individuals as
16 persons who have been previously arrested for alien smuggling on numerous occasions.

17 The agents observed FERNANDEZ and FLORES talking together and then walk north on
18 Encinas Avenue together. Both FERNANDEZ and FLORES were observed entering the
19 backyard of 806 Second Street, Calexico, later identified as FLORES' residence.

20 The agents continued to observe the actions of FERNANDEZ and FLORES. It was
21 noted by the agents there was no one else seen on foot in this area. FERNANDEZ was observed
22 walking south on Encinas Avenue several times where he would go and hide on the side of 739
23 First Street, Calexico. FERNANDEZ was seen communicating on a cellular phone numerous
24 times. FLORES was observed relocating to the white apartments thorough the alley.

25 Agent Carter observed a suspected illegal alien smuggler south of FERNANDEZ's
26 position on the south side of the International Boundary Fence in Mexico. Agent Carter saw the
27 suspected smuggler was in direct line of sight with FERNANDEZ. Agent Carter observed
28 FERNANDEZ motion with his hands for the suspected alien smuggler to move to the east
29

1 toward the white apartments. The suspected alien smuggler relocated his position to the east as
2 directed. Agent Carter heard FERNANDEZ say, "We're ready, now, now".

3 Agent Sedano observed FLORES walk to the middle of the white apartments and crouch
4 down. FLORES was then seen talking on a cellular phone. Agent Sedano soon saw the
5 suspected alien smuggler and a suspected illegal alien on the south side of the International
6 Boundary Fence. Agent Sedano observed FLORES motioning with his hands and yell "I'm here"
7 towards the suspected alien. FLORES saw Agent Sedano and left the area.

8 The Calexico Border Patrol Stations Remote Video Surveillance System (RVSS)
9 Operator reported an illegal entrant climbing over the International Boundary Fence south of the
10 white apartments.

11 Agent R. Alfaro responded to the call from the RVSS Operator and encountered the
12 individual. Agent Alfaro identified himself and questioned the individual, later identified as
13 Alejandro PORTILLO-Mendoza. It was determined PORTILLO is a native and citizen of
14 Mexico illegally in the United States. PORTILLO was arrested.

15 Agent Sedano made contact with FLORES on Second Street and Dool Avenue, Calexico.
16 Agent Torres contacted FERNANDEZ on Encinas Avenue south of Second Street.
17 FERNANDEZ and FLORES were arrested for their parts in the smuggling scheme.

18 FLORES was read his rights per Miranda. FLORES stated he understood his rights and
19 was willing to answer questions without the presence of an attorney. FLORES stated he went to
20 the white apartments to meet a friend named "Richard". FLORES stated after leaving the
21 apartments he went to his house and had something to eat. FLORES stated the only person who
22 went into his backyard was a friend named "Borrego".

23 FERNANDEZ was read his rights per Miranda. FERNANDEZ stated he understood his
24 rights and he was willing to answer questions without the presence of an attorney.
25 FERNANDEZ stated he went to 739 First Street to visit his brother. FERNANDEZ stated he
26 did not make any cellular phone calls and does not have one. FERNANDEZ was shown a six
27 pack photo line up and positively identified photo number 1, FLORES, as someone he knows
28 who lives in Calexico. FERNANDEZ stated he did not go into any back yard to talk to this
29 person.

1 Material Witness Alejandro PORTILLO-Mendoza stated arrangements were made with a
2 smuggler to pay \$1,500.00 to be smuggled illegally into the United States. PORTILLO stated the
3 smuggler he was with south of the International Boundary Fence pointed to a man hiding
4 between some houses on the north side of the fence. PORTILLO stated the person signaled to
5 him by waving his hand. PORTILLO stated the smuggler he was with told him after crossing the
6 border fence to go to the man. PORTILLO stated after crossing the border fence he went to meet
7 the man but he was gone.

8 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Alejandro PORTILLO-Mendoza	Mexico

12 Further, complainant states that Alejandro PORTILLO-Mendoza is a citizen of a country
13 other than the United States; that said alien has admitted that he is deportable; that his testimony
14 is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a
15 material witness in relation to this criminal charge and should be held or admitted to bail
16 pursuant to Title 18, United States Code, Section 3144.